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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,818	12/31/2001	Joyce Brett	P-3206-15	7824

7590 04/08/2005
MYRON AMER, P.C.
114 Old Country Road
Suite 310
Mineola, NY 11501

EXAMINER

MITCHELL, KATHERINE W

ART UNIT	PAPER NUMBER
3677	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10-029818

EXAMINER

ART UNIT	PAPER
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20050330

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

clarification of claim status in response to Reply Brief

DETAILED ACTION – Response to Reply Brief

1. In response to Appellant's assumption in Appellant's reply brief, filed May 11, 2004, that the rejection under 35 U.S.C. § 112, first paragraph, "is apparently withdrawn in view of the clarification provide[d] in applicant's BRIEF OF APPLICANT as stated in paragraph (11) RESPONSE TO Argument on page 6,7", examiner wishes to make the record clear that the rejection under 35 U.S.C. § 112, first paragraph STILL STANDS. It remains the examiner's opinion that first and second adhesive deposits were not originally disclosed.

Appellant amended the claim after an office action, and the next action was made final as necessitated by amendment. That amendment added limitations including "applying a first adhesive deposit" which was never originally disclosed.

As explained, examiner originally believed appellant was claiming an undisclosed additional application of adhesive. However, appellant clarified in his Appeal Brief that the first adhesive deposit is that deposit applied by the "manufacture (sic) of the article of manufacture (i.e., Johnson & Johnson) of the bandage" and the second adhesive is deposited "by the appellant in preparation of arranging for a jewelry display using the bandage". Appellant has claimed a method for arranging for a jewelry display on an existing adhesive bandage, and thus cannot include a step of "applying a first adhesive deposit on said laterally extending strips" of the existing adhesive bandage, as this is an existing property of the adhesive bandage and not a step of the claimed method.

2. Examiner notes the complete lack of the wording "first adhesive" or "second adhesive" in the disclosure as originally filed.

Art Unit: 3677

Regarding the adhesive on the existing Band-Aid™, Appellant's original disclosure contained only:

For its medical or first aid end use, the central gauze pad 18 has release strips 28 and 30 in overlapping relation, as at 32, beneath the gauze pad 18, each of which is connected to extend from the gauze pad 18 in contact against the adhesive surfaces of the adhesive strips 20 and 22 to thusly neutralize or obviate an adhesive function of the adhesive strips 20, 22 until the Band-Aid 16 is put to use. While the release strips 28 and 30 are in place, the Band-Aid 16 is readily handled without difficulty, and the handling contemplates the deposit of a viscous, not yet cured, appropriate adhesive 34, such as an adhesive commercially available ..."

3. Appellant did not disclose that the adhesive was applied on the strips, nor could appellant have any control of that step, as that is done by the adhesive bandage manufacturer. The adhesive surface could be applied (by the bandage manufacturer, not the appellant) as the laterally extending strips are formed, or the laterally extending strips could have a basic adhesive property and not need adhesive to be applied.
4. The rejection under 35 U.S.C. § 112, first paragraph IS MAINTAINED.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 703-305-6713. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

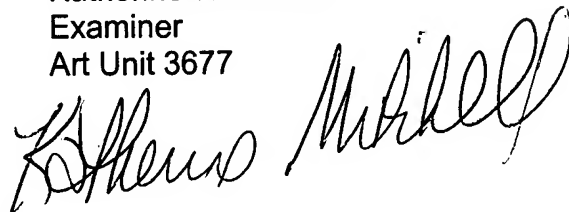
6. Note that examiner will have a new phone number after March 31, 2005:

Art Unit: 3677

(571)272-7069.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell
Examiner
Art Unit 3677

A handwritten signature in black ink, appearing to read 'Katherine W Mitchell', written over the printed name and title.

Kwm
3/30/2005